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09500HB5691ham001

LRB095 19738 DRJ 47427 a

1 AMENDMENT TO HOUSE BILL 5691

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5691 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Section 10-5.5 as follows:

6 (720 ILCS 5/10-5.5)

7 Sec. 10-5.5. Unlawful parenting time ~~visitation~~  
8 interference.

9 (a) As used in this Section, the terms "child", "detain",  
10 and "lawful custodian" shall have the meanings ascribed to them  
11 in Section 10-5 of this Code.

12 (b) Every person who, in violation of the visitation,  
13 parenting time, or custody time provisions of a court order  
14 relating to child custody, detains or conceals a child with the  
15 intent to deprive another person of his or her rights to  
16 visitation, parenting time, or custody time shall be guilty of

1 unlawful parenting time ~~visitation~~ interference.

2 (c) A person committing unlawful parenting time ~~visitation~~  
3 interference is guilty of a petty offense. However, any person  
4 violating this Section after 2 prior convictions of unlawful  
5 visitation interference or unlawful parenting time  
6 interference is guilty of a Class A misdemeanor.

7 (d) Any law enforcement officer who has probable cause to  
8 believe that a person has committed or is committing an act in  
9 violation of this Section shall issue to that person a notice  
10 to appear.

11 (e) The notice shall:

12 (1) be in writing;

13 (2) state the name of the person and his address, if  
14 known;

15 (3) set forth the nature of the offense;

16 (4) be signed by the officer issuing the notice; and

17 (5) request the person to appear before a court at a  
18 certain time and place.

19 (f) Upon failure of the person to appear, a summons or  
20 warrant of arrest may be issued.

21 (g) It is an affirmative defense that:

22 (1) a person or lawful custodian committed the act to  
23 protect the child from imminent physical harm, provided  
24 that the defendant's belief that there was physical harm  
25 imminent was reasonable and that the defendant's conduct in  
26 withholding visitation rights, parenting time, or custody

1       time was a reasonable response to the harm believed  
2       imminent;

3           (2) the act was committed with the mutual consent of  
4       all parties having a right to custody and visitation of the  
5       child or parenting time with the child; or

6           (3) the act was otherwise authorized by law.

7           (h) A person convicted of unlawful parenting time  
8       ~~visitation~~ interference shall not be subject to a civil  
9       contempt citation for the same conduct for violating  
10      visitation, parenting time, or custody time provisions of a  
11      court order issued under the Illinois Marriage and Dissolution  
12      of Marriage Act.

13      (Source: P.A. 88-96.)

14           Section 99. Effective date. This Act takes effect upon  
15      becoming law."